

## **REMARKS**

In the outstanding Office Action, the Examiner did not consider the Information Disclosure Statement (IDS) filed on February 15, 2006; rejected claims 8, 16, and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,588,098 to Chen ("Chen"); and rejected claims 1, 4, 6, 9, 12, 14, 17, and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,588,097 to Ono et al. ("Ono"). No claims are amended herein, and claims 1, 4, 6, 8, 9, 12, 14, 15, and 16-19 remain pending in this application.

### **I. Information Disclosure Statement**

Regarding the Information Disclosure Statement ("IDS"), the Examiner asserts that the IDS filed on February 15, 2006, is not in compliance with U.S. patent rules, because a statement of relevance was not included. See Office Action, page 3. Applicants respectfully disagree with the Examiner's assertion, because it is inconsistent with standard U.S. Patent Practice. In lieu of a statement of relevance, Applicants relied on the description given in the specification. See IDS, page 2. 37 CFR 1.98(a)(3)(i) allows Applicants to rely on a description given in the specification, stating, "[t]he concise explanation may be either separate from applicant's specification, or incorporated therein" (emphasis added). Because Applicants referred to the incorporated description, the IDS is in accordance with U.S. patent rules. Accordingly, Applicants respectfully request that the Examiner consider the documents listed on the IDS and indicate that they were considered by making appropriate notations on the form attached to the IDS.

**II. Rejection under 35 U.S.C. § 102(b)**

Applicants respectfully traverse the rejection of claims 8, 16, and 19, because Chen fails to teach a three-dimensional object manipulating apparatus or method including “detecting a coordinate defined on the display,” and “determining ... whether the three-dimensional object is to be scaled down in a predetermined cycle on the basis of the coordinate detected,” as recited in claims 8, 16, and 19 (emphasis added).

In the Office Action, the Examiner asserts that Chen teaches this feature, stating: “[t]he method and system of Chen detects the location of the cursor (*said coordinate defined*), and where the cursor is located.” Office Action, page 3. Even if the Examiner’s assertion could be considered correct, Chen still fails to teach “detecting a coordinate defined on the display,” and “determining ... whether the three-dimensional object is to be scaled down in a predetermined cycle on the basis of the coordinate detected,” as recited in claims 8, 16, and 19, for at least the reasons presented below.

Chen discloses:

...two intersection points [are provided] in the plane [of] the bounding box and the object it contains are to be translated in: the original hitpoint that was stored in step 601 and the current hitpoint just now determined in step 607. Next the difference between these two hitpoints is calculated 609. This difference, which represents the amount of movement or translation the user has indicated via movement of the mouse pointer, is then transferred into scaled ... coordinates. (col. 14, lines 39-47) (emphasis added).

Chen thus teaches selecting a point, and moving a pointer to at least a second point, wherein the difference or ratio between the two points determines the scaling of the object. Chen thus requires at least the selection of two points, and movement

therebetween. This cannot constitute a teaching of “detecting a coordinate defined on the display,” and “determining ... whether the three-dimensional object is to be scaled down in a predetermined cycle on the basis of the coordinate detected,” as recited in claims 8, 16, and 19. Accordingly, claims 8, 6, and 19 are allowable over Chen.

**III. Rejection under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claims 1, 4, 6, 9, 12, 14, 17, and 18 on the ground that a *prima facie* case has not been established. A *prima facie* case of obviousness has not been established because Ono fails to teach or suggest a three-dimensional object manipulating apparatus/method including “determin[ing] speed ... on the basis of a distance between a coordinate ... and a central coordinate,” as recited in claims 1, 4, 6, 9, 12, and 14 (emphasis added)

In the Office Action, the Examiner concedes that “Ono explicitly teaches the limitations ... with the exception of disclosing determining rotation speed” (Office Action, page 5 (emphasis added)), then asserts that Ono implicitly teaches this limitation because Applicants have defined rotation speed as being equivalent to rotation angle (Office Action, pages 7-8).

Although Applicants disagree with the Examiner’s characterization of Applicants’ specification, Applicants submit that even if the Examiner’s interpretation could reasonably be considered correct, Ono still fails to teach or suggest a three-dimensional object manipulating apparatus/method including “determin[ing] speed ... on the basis of a distance between a coordinate ... and a central coordinate,” as recited in claims 1, 4, 6, 9, 12, and 14. That is, claims 1, 4, 6, 9, 12, and 14 determine speed based only on

the distance between two coordinates. Ono, on the other hand, requires the input of at least three coordinates to determine rotation angle. Moreover, the Examiner states that Ono teaches “a rotation angle  $\alpha$  about the axis (O-P1) is determined via points P2 and P3 ... the user moves the pen (7) from the start point P2 in the direction of the desired rotation and then specifies another point P3 on the spherical surface.” Office Action, page 7. The Examiner thus expressly states that Ono uses at least three points. Accordingly, regardless of whether the angle of rotation can be considered the rotating speed, Ono fails to teach a combination including “determin[ing] speed ... on the basis of a distance between a coordinate ... and a central coordinate,” as recited in claims 1, 4, 6, 9, and 12.

Because Ono fails to teach or suggest every feature of claims 1, 4, 6, 9, and 12, a *prima facie* case of obviousness has not been established. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 4, 6, 9, and 12 under 35 U.S.C. § 103(a).


In view of the foregoing remarks, Applicants submit that this claimed invention, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 5, 2006

By:   
Darrell D. Kinder, Jr.  
Reg. No. 57,460